



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

TO: Charles Lee, Acting Director, Office of Environmental Justice ("OEJ")
Office of Enforcement and Compliance Assurance ("OECA")

FROM: Theodore J. Kim, Legal Counsel, OEJ/OECA /s/ *Ted Kim*

DATE: May 24, 2007

RE: "Environmental Justice in the News" for the Week Ending May 25, 2007
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This memorandum summarizes select environmental justice news actions for the period beginning April 23, 2007 through the week ending May 25, 2007. The summary is limited to Lexis/Nexis searches conducted using the query: "(environment! w/2 (justice or racism or equity or disproportionate or disparate)) or (environment! w/25 minorit! or low***income) or (executive order 12898) or (civil right! w/25 environmental) or ("fair housing act" w/25 (environment! or zon!))." Please note that articles on international or foreign-based environmental justice issues were not included.

1. **News Items.**

The following news was particularly noteworthy:

- **"Environmental Justice May See Increased Attention in Wake of EPA Report," Inside EPA (May 15, 2007).** According to the article, Democratic lawmakers and civil rights activists may increase its push "to force [the United States Environmental Protection Agency ("EPA")] consider environmental justice concerns in its policies . . . after findings in the Agency's *Report on the Environment* ("Report") show minorities face extensive risks of adverse health effects due to contaminants." For example, the draft Report demonstrates that "non-Hispanic blacks have the highest blood levels of lead and mercury and face the highest rates of cancer and infant mortality in the country." Democrats have already proposed legislation to codify Executive Order 12898, due to a "Bush administration policy that drops race as a factor in EPA's decisions for identifying and prioritizing populations that may be disadvantaged by the Agency's policies."

- **“HUD, EPA, DOJ, State of California Announce Joint Settlement Agreement with California Landlord,” States News Service (May 14, 2007).** The article set forth a press release from the United States Department of Housing and Urban Development (“HUD”) that announced a joint settlement agreement with Linder and Associates, a property management company based in Los Angeles, who HUD, EPA, the United States Attorney’s Office for the Central District of California, and the United States Department of Justice “alleges failed to inform tenants that their homes may contain potentially dangerous levels of lead. The settlement agreement ensures that more than 500 residential units . . . will be lead safe.” The company will pay civil fine and costs of \$10,000 and will notify tenants of any lead hazards. Lead exposure causes “reduced IQ, learning disabilities, development delays, reduced height, poorer hearing, and a host of other health problems in young children.”
- **“Department of Environmental Protection Seeking New Members for Environmental Justice Advisory Board to Represent,” US States News (May 14, 2007).** The article set forth a press release from the Pennsylvania Department of Conservation and Natural Resources (“Department”) that solicited members for the Environmental Justice Advisory Board under the State’s Department of Environmental Protection’s Office of Environmental Advocate. The Department would like candidates with “an interest in environmental justice issues and a background in . . . environmental justice.” Among other things, the Board conducts fact-finding probes and makes recommendations to the Department on issues related to the development, implementation, and enforcement of environmental laws, regulations, and policies.
- **“Owner of Small, Privately Owned Midstate Water System Remains in Jail,” Macon Telegraph (GA May 12, 2007).** According to the article, many low-income and Hispanic residents who used the Lazy River Water System in Georgia for their drinking water, “were unaware for a decade that their water might be unsafe to drink.” In 2005, Georgia tested the water and found that the water contained unsafe bacteria levels. The State issued a warning, which remains in effect; however, some residents asserted that they “had never heard about the notice [to boil water].” The owner of the water system is currently in jail for failure to comply with the Safe Drinking Water Act.
- **“Activists Seek to Ensure Refinery Air Permits Exceed EPA Levels,” Environmental Policy Alert (May 9, 2007).** According to the article, environmentalists have recently opposed three Texas refinery clean air permits and urged the State “to require the facilities to agree to stricter emissions monitoring requirements they say are required by the Clean Air Act, as well as to address global warming emissions and environmental justice concerns.” The environmentalists would like the State to go beyond enforcement settlements that the United States Environmental

Protection Agency (“EPA”) negotiated with industry on such issues as emissions monitoring, recordkeeping, and reporting requirements. They believe that the strategy to challenge local permits may represent a quicker way to address their concerns.

- **“Environmental Justice Concerns Help Kill California CO2 Storage Bill,” Environmental Policy Alert (May 9, 2007).** According to the article, environmental justice activists have temporarily killed legislation “that would have required state agencies to set up a regulatory framework for underground carbon dioxide (“CO2”) sequestration projects, saying the Bill had not been considered by a special environmental justice review panel, which was created to limit harm to minorities under the State’s climate change law.” Environmental justice groups had previously voiced concerns that underground storage of CO2 “could present significant public health threats that have not been adequately analyzed, and that the Bill skirts environmental justice reviews required by AB32.” (See related article on page 9). In addition, critics noted that the Bill would “bypass an advisory committee process established by AB32 that is intended to ensure that carbon control measures do not pose disproportionate risks for low-income and minority neighborhoods.”
- **“EPA Region 7 to Hold Environmental Justice Small Grant Workshops,” Environmental Protection Agency Documents and Publications (May 9, 2007).** The article set forth a press release that announced that EPA Region 7 will hold two Environmental Justice Small Grants workshops on June 5 and June 12, 2007 to help organizations in the EPA grant application process. The workshops, which are free and will be held in Missouri and Iowa, respectively, will cover “criteria for grant applications, preparation of the grant application, the review and selection process, and the award notification process. There will also be an overview for new grant recipients on responsibilities and successful project management.”
- **“Remedy for School Bus Pollution Shown; Demonstration Intended to Win Legislators’ Backing for \$11 Million Retrofitting Project,” Hartford Courant (CT May 9, 2007) at B9.** According to the article, the Clean Air Task Force held a demonstration in front of Connecticut’s Legislative Office Building in Hartford on May 8, 2007 that attempted to “win support for a bill that would provide \$11 million to retrofit the 3,400 school buses capable of accepting the filter systems.” According to some members of the Legislature, retrofitting the buses may “make a difference in children’s health in a targeted way,” as “diesel fumes can cause children riding on buses to get headaches or become nauseated. In the long term, the fumes can trigger asthma attacks and increase the risk of cancer.” The article noted that despite its numerous supporters, the Bill, HB 1032, may not pass with full funding.

- **“Paint, Not Smelters, Is Biggest St. Louis Threat,” St. Louis Post-Dispatch (MO May 6, 2007) at A10.** According to the article, despite the fact that numerous lead and zinc smelters and lead-handling plants exist in St. Louis, “peeling paint poses the biggest lead poisoning threat to the City’s children. Like other industrial cities, St. Louis has been struggling with lead-based paint in older homes and its harmful health effects on young children.” While the Missouri Department of Natural Resources found lead-contaminated soil near former smelter sites, it concluded that lead paint, not the location of the smelters, probably was the source. EPA has not taken any action on the findings.
- **“Water Pollution: House Lawmakers Offer Bill to Target Coal Mining Companies,” Greenwire (May 4, 2007).** According to the article, Congressmen Frank Pallone (D-N.J.) and Christopher Shays (R-CT) introduced legislation on May 3, 2007 that would limit the amount of industrial waste that enters into the Nation’s waters. Specifically, the Bill seeks to “overturn a 2002 rule change by the Army Corps of Engineers and [EPA] that allows coal mining companies to ‘create enormous valley fills, burying thousands of miles of streams, to make the practice of mountaintop removal mining cheaper.’” Congressman Pallone noted that the issue represented a “serious environmental justice concern” and asserted that the federal government should not “give massive mining companies a free pass to dump fill into waterways.”
- **“Adams Outlines Forthcoming WRCB Policy Changes in Letter to Perata,” Inside Cal/EPA (May 4, 2007).** According to the article, the Secretary of California’s Environmental Protection Agency (“Cal/EPA”) sent a letter to Senator Don Perata (D-Oakland) recommending that the State’s Water Board “take the lead in brownfields cleanup enforcement.” The article noted that the change in policy may “prove controversial among environmental justice groups, who dislike the Board’s approach to cleanups.” The environmental justice activists “have long insisted the Department of Toxic Substances Control, [not the Water Board], should be in charge of cleanups because of the Department’s more stringent requirements.”
- **“Questions Mount on ARB Over GHG Reporting, Monitoring Rules,” Inside Cal/EPA (May 4, 2007).** According to the article, members of California’s Air Resources Board (“ARB”) faced questions before the Global Warming Environmental Justice Advisory Committee on April 30, 2007 regarding how it planned to implement AB 32, the State’s landmark climate change law that was passed in 2006. Environmental justice activists, in particular, sought “stringent verification and broad, multi-source reporting of potential [greenhouse gas (“GHG”)] emissions. . . . Verification of GHG emissions is a big issues for the [environmental justice activists], several of whom noted their disinclination to trust industry’s self-reported emissions.”

- **“Officials Defend GHG Cap-and-Trade Plan Under Activist Attack,” Inside Cal/EPA (May 4, 2007).** According to the article, environmental justice activists raised tough questions to Cal/EPA officials regarding the development of a cap-and-trade program to reduce greenhouse gas emissions in California at the State’s Global Warming Environmental Justice Advisory Committee meeting on April 30, 2007. The activists “contend the proposed integration of emission offset projects and banking of GHG credits into a cap-and-trade program will disproportionately impact low-income areas of the State and eventually around the world.” In addition, the activists also wanted committee members to comment on “how to avoid having ‘disproportionate impacts’ on low-income communities.” One panelist noted that “many existing [environmental justice] problems were caused by or allowed under the current ‘command-and-control’ regulatory scheme, while a market-based system will allow more Californians to participate in a solution to the problem.”
- **“Court Rejects South Coast Railroad Rules; District Eyes Appeal,” Inside Cal/EPA (May 4, 2007).** According to the article, California’s South Coast Air Quality Management District (“District”) will likely appeal “a U.S District Court decision [from May 1, 2007] that the air district’s anti-idling rules for locomotives cannot be implemented because they violate federal interstate commerce and jurisdiction laws. The decision marks a setback for the District and environmental justice proponents, who argue a voluntary air board agreement with the railroads to reduce emissions is inadequate.” The article noted that the decision, which the District may appeal, is significant, as it limits the District’s ability to regulate railroads. In addition, the District and environmentalists expressed concerns that emissions from idling locomotives represent an increasing health threat.
- **“Organizers of Baltimore’s Fourth Annual Green Week Are Looking for a Color-Blind Focus,” Daily Record (MD May 3, 2007).** According to the article, organizers of Baltimore’s fourth annual green week focused on the urban issues of environmentalism and environmental justice. The reasoning behind focusing on such immediate local issues was that many of the power plants and polluted areas “are located in the poorest areas, where families are struggling with housing . . . just to get through the day. Many of those kids are highly affected by asthma.” Accordingly, one of the planned attractions at the event, which kicked off on May 5, 2007, was “toxic tours,” which were bus tours that went through polluted sites in East Baltimore neighborhoods. The tours took place in areas of poorer populations, since the article noted that these areas were “very polluted.”
- **“Sweet Rat Poison Is a Danger to Children; Minorities Affected Disproportionately,” Buffalo News (May 3, 2007) at A1.** According to the article, the Community Action Organization’s Environmental Justice Center, a newly formed environmental justice group, has raised concerns

with rat poison pellets, which look like candy to children. The group cites statistics from the State Department of Health that show “the problem disproportionately impacts minority children and kids who come from low-income households. From 1990 to 1997, 57 percent of children hospitalized in the State for ingesting rat poison were Black, while only 16 percent of the State’s population was African-American in 1990. Twenty-six percent of the poisoning cases were Latino, although Latinos made up 12 percent of the State’s overall population.”

- **“Report Criticizes EPA Equity Grants Effort that Serves as State Model,” Clean Air Report (May 3, 2007).** According to the article, Resources for the Future issued a report, entitled “Building Community Capacity? Mapping the Scope and Impacts of the EPA Small Grants Program,” that found that while EPA has “largely succeeded in reaching the minority and low-income communities that the grant program targets, the Agency often did not award grants to targeted communities with the worst pollution problems.” In criticizing EPA’s Environmental Justice Small Grants program, the report noted that several states have adopted it as a model in addressing environmental justice issues. The report “found that while targeted communities did succeed in getting grants, those communities were not the ones experiencing the worst pollution problems.” The report’s author specified that grants “have actually gone to counties with above average minority populations but not the highest TRI releases.” The report’s most startling finding was that toxic releases in environmental justice areas were getting worse. The author attributed the problems to the fact that EPA “may not be doing enough outreach and solicitation about the grant program to groups working in the most polluted areas. . . . Or, the outcome could reflect the Agency’s mandate to distribute grants evenly across all regions, and regions with the worst problems feel fewer benefits from the grants.” EPA confirmed that it had received the report.
- **“VOA News: Leaders of African-American, Hispanic, Religious Groups Take Global Warming Message to Capitol Hill,” US Fed News (May 3, 2007).** The article set forth a press release from the Voice of America (“VOA”) that discussed the efforts of a coalition of leaders from Latino, African-American, and faith communities to “urge lawmakers to incorporate their concerns into proposed climate-change legislation.” The press release noted the efforts of Congresswoman Hilda L. Solis (D-CA), who “shares these concerns in Washington, where she represents a majority Latino section of East Los Angeles. Solis says she is working to prevent climate change from unfairly targeting communities like the one she serves.”
- **“Citizens Groups Poised to Sue Army Over VX Nerve Agent Waste Shipments,” Defense Environment Alert (May 1, 2007).** According to the article, the Sierra Club, Chemical Weapons Working Group, and other

citizen and environmental groups filed a notice of intent to sue the Army on April 26, 2007, due to the Army's decision to ship neutralized VX nerve agent across eight states. The groups would like the Army to immediately halt the shipments, because the nerve agent poses an "unacceptable risk to public health and the environment." In addition, the groups assert that the Army's decision to ship the waste "lacked public input, violates environmental justice principles, and contradicts congressional guidance."

- **"Cummings: LNG Terminal Should Not be Placed in Baltimore," States News Service (Apr. 29, 2007).** The article set forth a press release from Congressman Elijah E. Cummings (D-MD), who chairs the Subcommittee on Coast Guard and Maritime Transportation. Congressman Cummings voiced his opposition to the building of a new liquid natural gas ("LNG") terminal at Sparrow's Point in the Port of Baltimore. Specifically, he articulated that he did not "believe that Baltimore is the most suitable location for a new LNG terminal. There is no reason to place these terminals – which are obvious terror targets – in highly populated areas. Further, the compelling testimony of witnesses from the local Sparrow's Point community also forcefully conveyed the concerns about environmental justice that the choice of this location must raise."
- **"Parents Demand New Tests of School Water," Washington Post (Apr. 29, 2007) at C5.** According to the article, parents in the Washington, D.C. area have demanded that EPA perform new tests of water in the D.C. public schools, "saying they do not trust local officials' assurances that some unusually high lead levels detected in school water in recent months were 'isolated' findings." In a letter to EPA, the parents asserted that the D.C. school systems test were skewed to register artificially lower lead levels. The parents were particularly concerned for their children's health. EPA Region III is reviewing the parents' allegations and has not made any immediate decision regarding further testing.
- **"Holy Roller Bloomy Preaches Car Fee," New York Post (Apr. 28, 2007) at 2.** According to the article, New York Mayor Michael Bloomberg expressed support for congestion pricing, which would impose an \$8-a-day fee on cars entering Manhattan below 86th Street between 6 a.m. and 6 p.m. During his emotional speech backing his project, Mayor Bloomberg articulated "poor kids in some neighborhoods are 'poisoning themselves' every day by breathing polluted air. A lot of people describe this as environmental justice. . . . I simply call it the right thing to do." In addition, Mayor Bloomberg noted that childhood asthma rates in four minority neighborhoods are four times higher than the national average.

- **“Risks of Race; Whitworth Study Sheds Light on Disparity in Living Conditions,” Spokesman Review (WA Apr. 28, 2007) at E1.** According to the article, students in a sociology class at Whitworth College in Spokane, Washington found that “race plays an important role in living conditions and the environmental health of specific neighborhoods.” Further, the class determined that based upon census and environmental data, “Hispanics are more likely than any other group to live in a polluted neighborhood. . . . [While] white people in Spokane are far less likely than minorities to live in neighborhoods where they are exposed to toxins.” The article noted that the students were particularly surprised that “in terms of correlation with environmental hazards, race was a more important predictor than class.” The class hopes to present its findings this summer at an environmental justice conference at the University of Michigan.
- **“EPA is Put on Legal Notice by Los Angeles Environmental Justice Pioneer Jesse Marquez and Others for “Gross Negligence;” Fed Gov’t Fails to Keep Children Safe from Carbon Monoxide Poisoning,” PR Newswire US (Apr. 27, 2007).** According to the article, Jesse Marquez, a Los Angeles environmental justice activist, the Coalition for a Safe Environment, and three other public health advocacy organizations put EPA on 60-day notice that they “intend to file a law suit to protect clean air, public health, and strengthen carbon monoxide pollution standards.” Mr. Marquez alleged that EPA failed to review ambient air quality standards for thirteen years to determine if they need to be strengthened. Accordingly, he asserted that it was “outrageous that [EPA] is not complying with laws that are designed to protect our public health and children. . . . The most impacted are poor communities where most of the air polluting industries are located.” Environmental justice groups view carbon monoxide standards as especially important, because busy freeways and stationary sources such as refineries, which represent traditionally significant sources of carbon monoxide, are often located in or near EJ communities.
- **“ARB GHG-Reduction Measures Draw Crossfire by Key Stakeholders,” Inside Cal/EPA (Apr. 27, 2007).** According to the article, ARB plans to adopt “early action” measures to reduce GHG emissions in late June, which “may significantly affect the way the Board implements future GHG controls and augur the State’s economic reaction to coming climate change regulation.” Environmental groups and industry representatives are at odds over these measures and urge the Board to take further action to clarify and broaden its plans. Specifically, environmentalists encourage the Board to “adopt a wider range of early rules, including measures that address pollution at ports, which they view as an ongoing environmental justice concern.” In addition, environmental justice activists note that “residents in [environmental justice] communities will continue to oppose efforts by utilities to locate any new

power plants in their neighborhoods, regardless of whether they are very clean and replace the older, dirtier plants.”

- **“Environmental Justice, Mainstream Activists Clash Over CO2 Storage,” Inside Cal/EPA (Apr. 27, 2007).** According to the article, environmental justice groups have helped defeat a bill (AB 705) that would have established regulations for carbon dioxide (“CO2”) geologic sequestration. Carbon sequestration “refers to the injection of CO2 into the ground to keep it from being released into the atmosphere and contributing to global warming.” The environmental justice groups asserted that Bill would lead to “significant public health threats and skirts sequestration reviews required by the State’s landmark climate change law, AB 32.” In addition, the environmental justice groups argued that compressed CO2 injected into the ground will become toxic, such that a leak to the surface may be lethal to many.
- **“Sources: Regional Water Board Shakeup Measure Faces Tough Road,” Inside Cal/EPA (Apr. 27, 2007).** According to the article, SB 1001, which would reduce California’s regional water board’s membership and revise board member qualifications, will likely not advance to Governor Arnold Schwarzenegger’s desk this year due to strong opposition. The Bill purports to reduce the size of the regional water board from nine members to five members, who would have a degree or prior experience in environmental justice, biological science, public sector finance, urban planning, and public health, respectively. Industry groups and some environmentalists opposed the Bill, citing the fact that they had some issues with the required qualifications for the board members.
- **“Activists Fight Refinery Permits to Enforce Strict Air Requirements,” Inside Cal/EPA (Apr. 27, 2007).** According to the article, environmental activists, such as Citizens for Environmental Justice, have undertaken a new effort “targeting refinery air pollution by challenging individual plant clean air permits in a strategy aimed at forcing the facilities to meet requirements that go beyond recent EPA enforcement settlements.” Specifically, the activists urge the State “to require the facilities to agree to stricter emissions monitoring requirements they say are required by the Clean Air Act, as well as to address global warming emissions and environmental justice concerns.” With regard to the environmental justice concerns, one activist noted measures companies can take to address these concerns “include creating ‘buffer zones’ around refineries to relocate equipment and reduce the impact of emissions on communities nearby, or providing assistance toward relocating local citizens.”
- **“Contra Costa County; Big Turnout Over Oil Refinery’s Expansion Plan; Residents Split on Issue that Will Add Jobs and Emissions,” San**

Francisco Chronicle (Apr. 25, 2007) at B2. According to the article, residents of Contra Costa County participated in a Contra Costa County Planning Commission Meeting on April 24, 2007 to oppose ConocoPhillips Company's ("Conoco") plan to "increase refining capacity and output at its Rodeo refinery by 30 percent." Under Conoco's plan, production would increase by up to 1 million gallons a day, which would create new jobs. However, environmentalists questioned the plan and the accompanying environmental impact report ("EIR"). Specifically, they asserted that low-income people of color that live near the refinery "cannot continue to bear such a disproportionate burden in gas production. This is a serious environmental justice issue that the EIR has disturbingly minimized."

- **"Environmental Justice Stalled, Report Finds," Washington Post (Apr. 24, 2007) at D2.** According to the article, a recent report that the United Church of Christ issued "suggests that decisions made by federal state and local governments, as well as companies have penalized minority groups. The evidence: [t]here are a disproportionate number of hazardous waste facilities near where they live." The Report, "Toxic Wastes and Race at Twenty," reprises a 1987 examination of the issue and found that "over the past 20 years, minorities have been subjected to excessive levels of toxic pollutants from sites that have negatively affected their health and, often, property values." Moreover, the Report cited "clear evidence of racism where toxic waste sites are located and the way government responds to toxic contamination emergencies in minority communities. Many communities also face new threats because of government cutbacks in enforcement weakening health protection and dismantling the environmental justice regulatory apparatus."
- **"Penn Leads \$4 Million Grant to Study Gene-Environment Interactions in Lung Cancer," US States News (Apr. 24, 2007).** The article set forth a press release from the University of Pennsylvania's School of Medicine that announced that it "has received \$4.2 million to study gene-environment interactions that increase the risk of lung cancer in African-American and Caucasian smokers and non-smokers." The researchers seek to enroll 600 lung-cancer patients from Philadelphia, which has a high concentration of air pollutants, as well as 600 patients from Hershey, Pennsylvania, which is comparatively unpolluted. With regard to the Philadelphia recruits, researchers hope to enroll 300 Caucasians and 300 African-Americans "to study possible racial differences in gene-environment causes of lung cancer." The researchers note that "urban areas that are most polluted are very often occupied by residents of lower socio-economic status and issues of health-disparity and environmental justice exist."
- **"EPA Gives ReGenesis Spotlight for Efficiency," Spartanburg Herald Journal (Apr. 23, 2007).** According to the article, EPA will

release a DVD documentary on the ReGenesis project that will be used as a training vehicle for “communities that are interested in partnering with local, state, and federal organizations to improve an area.” Since 1988, ReGenesis has engaged in collaborative problem solving with EPA, the city of Spartanburg, the County, the South Carolina Department of Health and Environmental Control, the housing authority, and the University of South Carolina Upstate to improve the Arkwright community through health care, business development, and housing projects. The DVD, entitled “Environmental Justice: The Power of Partnerships – The Collaborative Problem-Solving Model at Work in Spartanburg,” will be released on June 14, 2007 at a ceremony in Spartanburg.

- **“Massachusetts Department of Environmental Protection Penalizes American Finish, Chemical Company \$15,000 for Failure to Meet Cleanup Commitments,” US States News (Apr. 23, 2007).** The article set forth a press release of the Massachusetts Department of Environmental Protection (“DEP”) that announced that it had reached an agreement with the American Finish & Chemical Company for waste site cleanup violations at its Chelsea site. The company now owes DEP \$15,000 due to its failure to meet terms and conditions of a consent order signed in 2006. DEP noted its commitment to having companies following through on their commitments, particularly in cases like this, which affect communities that have been designated environmental justice areas. The press release defined environmental justice, like Chelsea, as those that “include many densely populated urban neighborhoods in and around the State’s oldest industrial sites. These neighborhoods encompass only a small portion of the land area of the Commonwealth (less than 5%), but they are home to a large percentage of the State’s population (nearly 29%).”
- **“Volunteers Clean Up Detroit’s Delray Area,” Detroit News (Apr. 22, 2007).** According to the article, residents and concerned citizens took a stand against illegal dumping in Delray, Michigan on April 21, 2007 at Delray Family Heritage Day. The participants picked up trash and addressed other needs of the area, which has “long been plagued by illegal dumping . . . and blighted properties.” The event was part of the Earth Cay celebration and helped remind residents of the “ongoing fight for environmental justice.”
- **“Environmental-Health and Justice Bus Tour Points Out Hazards,” Star-Ledger (N.J. Apr. 22, 2007).** According to the article, five “enviro-health and justice” bus tours have been held in New Jersey, with the most recent covering six sites in Central New Jersey. The tours seek to raise public awareness of how certain people live near toxins in their communities. According to one activist, “[a]ffordable housing, schooling, and day care for children of low-income families are often built near contaminated sites because the land is cheap[; accordingly, . . .] people of

color and those who can't afford to get away from the toxic sites pay the price."

- **"A Family Still Cries Out for Justice in Toxic Waste Case," Tennessean (Apr. 22, 2007) at 23A.** According to the article, Dickson County, Tennessee has "been declared the 'poster child for environmental racism in 2007,'" despite the fact that in December 2003, a family in Dickson County filed a lawsuit "alleging that toxic waste at the county landfill poisoned their well water and caused cancer and other illnesses in their family." The lawsuit was filed on behalf of the Holt family and sought unspecified damages. In addition, the article noted that the Holt family "received differential treatment from white families as recent as Nov. 6, 2006; when, in a special called meeting, Dickson County commissioners voted unanimously to settle lawsuits with several white families that had alleged groundwater contamination from the leaky Dickson County Landfill located in the historically black Eno Road Community." The article asserted that the Dickson County case represented an issue of environmental justice.
- **"Botched Cleanup, Botched Review," Record (Apr. 20, 2007) at L7.** The article set forth an editorial that criticized EPA's Office of Inspector General's finding that no evidence existed that "EPA's actions or decision-making were affected by the [Upper Ringwood Superfund Site's] racial, cultural, or socioeconomic status." The editorial asserted that discrimination existed at the site and supported this contention by stating that the Upper Ringwood community "was treated worse by the EPA than by Ringwood's municipal government and Ford Motor Company, both of which encouraged extensive dumping around the Ramapoughs' residential areas." The editorial further articulated its view that EPA failed to enforce environmental standards at the site.
- **"Conservation, Civil Rights Groups Sue to Preserve Historic African-American Site," Targeted News Service (Apr. 19, 2007).** The article set forth a press release from the Natural Resources Defense Council ("NRDC") that announced that NRDC filed a lawsuit that day against the Tulare County Board of Supervisors "to block board approval of a plan to locate 12,000 head of cattle directly adjacent to one of California's leading landmarks honoring African-American history." If the plan went forward, the generation of nearly 16 million pounds of manure a year, as well as more than 10,000 gallons of contaminated wastewater a day, would occur. The NRDC Environmental Justice attorney stated his objection to the action characterizing it as "a slap in the face to African Americans." The NRDC noted particular concern with the fumes that would waft off the manure and the "odors, flies, and dust emanating" from the site. In addition, the NRDC was concerned with the threat of groundwater contamination.

3. Regulatory/Legislative/Policy.

The following items were most noteworthy:

A. Federal Congressional Bills and Matters.

- **H.R. 1972, introduced on April 19, 2007 by Congresswoman Nydia M. Velazquez (D-N.Y.). Status: Referred to House Committee on Energy and Commerce on April 19, 2007.** The Bill amends the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances, provide neighborhoods with support for measuring impacts of environmental hazards, maintenance of community health profiles, and other purposes. Specifically, the Bill provides that a covered entity shall not, on the ground of race, color, national origin, or economic status, disproportionately expose any person or community to any covered substance. The Bill defines “covered entity” as “any entity which handles, manages, treats, releases, discharges, disposes of, stores, transports, removes, moves, or delivers covered substances,” and provides examples of “covered substances,” including: “any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and any chemical subject to section 313 of the Emergency Planning and Community Right-To-Know Act of 1986; any chemical substance or mixture regulated under the Toxic Substance Control Act; any hazardous waste identified under the Solid Waste Disposal Act; any pesticide registered under the Federal Insecticide, Fungicide, and Rodenticide Act; and any air pollutant regulated under the Clean Air Act.”
- **Senate Bill 1067, introduced on March 29, 2007 by Senator Barack Obama (D-IL). Status: Referred to Senate Committee on Health, Education, Labor, and Pensions on March 29, 2007.** This Bill, the “Healthy Places Act of 2007,” seeks to require federal agencies “to support health impact assessments and take other actions to improve health and the environmental quality of communities.” Among other things, the Bill establishes “an interagency working group to discuss environmental health concerns, particularly concerns disproportionately affecting disadvantaged populations.” The Bill specifies the duties of the group, which shall include EPA as a representative and shall meet at least three times a year. The Bill also calls for health impact assessments and specifies the creation of guidance in this regard. Finally, the Bill also establishes a grant program that will give money to promote environmental health and address environmental disparities. The grant program was earmarked \$25,000,000 in Fiscal Year 2007.
- No noteworthy “*Miscellaneous House and Senate Congressional Record Mentions of Environmental Justice*” were identified for this time period.
- Federal Register Notices.

- **DOD, Preparation of the Programmatic Environmental Impact Statement (“PEIS”) for the Growth of the United States Army, 72 Fed. Reg. 27,545 (May 16, 2007).** The Department of the Army (“Army”) of the United States Department of Defense (“DOD”) announced that it will add 74,200 active and reserve component Soldiers to its total end strength, based on a Presidential Directive. Accordingly, the Army will “prepare a PEIS to analyze alternatives for executing the Presidentially directed growth required to support the defense and security missions of the Nation in the 21st century. . . . The PEIS will assess the environmental capacity of the Army’s installations to accommodate different types and combinations of new units as part of the growth and restructuring. The PEIS will examine the potential environmental and socioeconomic impacts at installations resulting from various combinations of new unit stationing actions.” Environmental justice will represent one of the environmental issues that the PEIS will analyze.
- **EPA, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of Flint, Grand Rapids, Kalamazoo-Battle Creek, Lansing-East Lansing, Muskegon, Benton Harbor, Benzie County, Cass County, Huron County, and Mason County 8-Hour Ozone Nonattainment Areas to Attainment for Ozone, 72 Fed. Reg. 27,245 (May 16, 2007).** EPA announced its determinations regarding under the Clean Air Act (“CAA”) that the “nonattainment areas of Flint (Genesee and Lapeer Counties), Grand Rapids (Kent and Ottawa Counties), Kalamazoo-Battle Creek (Calhoun, Kalamazoo, and Van Buren Counties), Lansing-East Lansing (Clinton, Eaton, and Ingham Counties), Muskegon (Muskegon County), Benton Harbor (Berrien County), Benzie County, Cass County, Huron County, and Mason County have attained the 8-hour ozone National Ambient Air Quality Standard (“NAAQS”).” The final rule took effect on May 16, 2007. With regard to Executive Order 12898, EPA noted that the rule will “not result in the relaxation of control measures on existing sources and therefore will not cause emissions increases from those sources. Overall, emissions in the areas are projected to decline following redesignation. Thus, today’s actions will not have disproportionately high or adverse effects on any communities in the area, including minority and low-income communities.”
- **EPA, Standards of Performance for Petroleum Refineries, 72 Fed. Reg. 27,178 (May 14, 2007).** EPA proposed “amendments to the current Standards of Performance for Petroleum Refineries. This action also proposes separate standards of performance for

new, modified, or reconstructed process units at petroleum refineries. Unless otherwise noted, the term new includes modified or reconstructed units. The proposed standards for new process units include emissions limitations and work practice standards for fluid catalytic cracking units, fluid coking units, delayed coking units, process heaters and other fuel gas combustion devices, fuel gas producing units, and sulfur recovery plants. These proposed standards reflect demonstrated improvements in emissions control technologies and work practices that have occurred since promulgation of the current standards.” Comments on the proposal are due by July 13, 2007. With regard to Executive Order 12898, EPA noted that “the proposed amendments are clarifications which do not relax the control measures on sources regulated by the rule and therefore will not cause emissions increases from these sources. EPA has determined that the proposed standards would not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because they would increase the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. These proposed standards would reduce emissions of criteria pollutants from all new, reconstructed, or modified sources at petroleum refineries, decreasing the amount of such emissions to which all affected populations are exposed.”

- **DOD, Availability of a Tiered Final Environmental Impact Statement Containing a Draft Air Quality General Conformity Determination for the Proposed Construction of a Dredged Material Containment Facility in the Patapsco River, at Masonville, Baltimore City, MD, 72 Fed. Reg. 26,800 (May 11, 2007).** DOD’s Army Corps of Engineers, Baltimore District, announced the publication of a Final Environmental Impact Statement (“EIS”) for the proposed construction of a dredged material containment facility (“DMCF”) by the Maryland Port Administration (“MPA”). This FEIS was prepared as part of the submission of MPA’s application for a Department of the Army permit to construct the facility in the Patapsco River, Baltimore City, MD. . . . The preferred alternative is for the construction of a stone, sand, and cofferdam structure that would impact approximately 131 acres of waters of the United States, including jurisdictional wetlands.” The FEIS, which will consider environmental justice, outlines measures to address impacts to air quality that result from activities listed in the permit application.
- **EPA, Supplemental Notice of Proposed Rulemaking for Prevention of Significant Deterioration and Nonattainment**

New Source Review: Emission Increases for Electric Generating Units, 72 Fed. Reg. 26,202 (May 8, 2007). EPA issued supplemental notice of proposed rulemaking to its October 20, 2005 notice of proposed rulemaking in which it “proposed to revise the emissions test for existing electric generating units (“EGUs”) that are subject to the regulations governing the Prevention of Significant Deterioration (“PSD”) and nonattainment major New Source Review (“NSR”) programs (collectively “NSR”) mandated by parts C and D of title I of the Clean Air Act (“CAA”). [EPA] proposed three alternatives for the emissions test: a maximum achievable hourly emissions test, a maximum achieved hourly emissions test, and an output-based hourly emissions test. This action recasts the proposed options so that the output-based test becomes an alternative method to implement the maximum achieved or maximum achievable hourly tests, rather than a separate option. This [notice] also proposes a new option in which the hourly emissions increase test is added to the existing requirements for computing a significant increase and a significant net emissions increase on an annual basis. It also includes proposed rule language and supplemental information for the October 2005 proposal, including an examination of the impacts on emissions and air quality.” With regard to environmental justice, EPA noted that “this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This proposed rule amendment, in conjunction with other existing programs, would not relax the control measures on sources regulated by the rule and therefore would not cause emissions increases from these sources.” Comments on this notice are due by July 9, 2007.

- **DOD, Notice of Availability of the Record of Decision for the Fort Bliss, Texas and New Mexico, Mission Master Plan Final Supplemental Programmatic Environmental Impact Statement, 72 Fed. Reg. 26,081 (May 8, 2007).** The Army announced the availability of a Record of Decision (“ROD”) for the “Final Supplemental Programmatic Environmental Impact Statement (“SEIS”) identifying the potential environmental effects of changing land and airspace use at Fort bliss to support evolving changes in missions and units and support Army Transformation, Integrated Global Presence and Basing Strategy (IGPBS), Base Realignment and Closure (“BRAC”), the Army Campaign Plan, and other Army initiatives.” The ROD selects Alternative 4, which represents the Proposed Action. The Proposed Action “changes land use in the Main Cantonment Area to support units assigned to Fort Bliss under BRAC, and in the Fort Bliss Training Complex to

support construction of live-fire ranges and designation of off-road maneuver space needed to train those soldiers to doctrinal standards. This alternative opens to heavy off-road vehicle maneuver 352,000 acres in the Tularosa Basin portion of McGregor Range, for a total off-road vehicle maneuver space of 687,000 acres, and changes land use in the Main Cantonment to accommodate increases in military personnel.” The waiting period for the Final SEIS, which examined impacts from the No Action Alternative and four action alternatives in 14 resource areas, including environmental justice, ended on April 23, 2007.

— **EPA, Source-Specific Federal Implementation Plan for Four Corners Power Plant; Navajo Nation, 72 Fed. Reg. 25,698 (May 7, 2007).** EPA announced its promulgation of “a source-specific Federal Implementation Plan (“FIP”) to regulate emissions from the Four Corners Power Plant (“FCPP”), a coal-fired power plant located on the Navajo Indian Reservation near Farmington, New Mexico.” With regard to environmental justice, EPA noted “that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it strengthens the level of protection provided to human health or the environment. This final rule requires emissions reductions and makes emissions limitations federally enforceable for a major stationary source.” The rule will take effect on June 6, 2007.

— **EPA, Dichlorprop-p Risk Assessments; Notice of Availability and Request for Risk Reduction Options, 72 Fed. Reg. 21,010 (Apr. 27, 2007).** EPA announced the availability of its risk assessments and related documents for the pesticide dichlorprop-p. In soliciting public comment on these documents by June 25, 2007, EPA requested that the public suggest risk management ideas or proposals to address the identified risks. EPA is developing a Reregistration Eligibility Decision (“RED”) for the dichlorprop-p through a modified four-phase public participation process to ensure that all pesticides meet current health and safety standards. To help address potential environmental justice issues, EPA seeks, among other things, “information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to dichlorprop-p, compared to the general population.”

— **EPA, Clean Air Fine Particle Implementation Rule, 72 Fed. Reg. 20,586 (Apr. 25, 2007).** EPA announced the final rule that provided “rules and guidance on the Clean Air Act (“CAA”) requirements for State and Tribal plans to implement the 1997 fine particle (“PM[2.5]”) national ambient air quality standards (“NAAQS”). Fine particles and precursor pollutants are emitted by a wide range of sources, including power plants, cars, trucks,

industrial sources, and other burning or combustion-related activities. Health effects that have been associated with exposure to PM[2.5] include premature death, aggravation of heart and lung disease, and asthma attacks. Those particularly sensitive to PM[2.5] exposure include older adults, people with heart and lung disease, and children.” The rule takes effect on May 29, 2007. EPA determined that the rule “should not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. The health and environmental risks associated with fine particles were considered in the establishment of the PM[2.5] NAAQS. The level is designed to be protective with an adequate margin of safety. This final rule provides a framework for improving environmental quality and reducing health risks for areas that may be designated nonattainment.”

- **EPA, Mecoprop-p Risk Assessments; Notice of Availability and Request for Risk Reduction Options, 72 Fed. Reg. 20,539 (Apr. 25, 2007).** EPA announced the availability of its risk assessments and related documents for the pesticide mecoprop-p. In soliciting public comment on these documents by June 25, 2007, EPA requested that the public suggest risk management ideas or proposals to address the identified risks. EPA is developing a RED for the mecoprop-p through a modified four-phase public participation process to ensure that all pesticides meet current health and safety standards. To help address potential environmental justice issues, EPA seeks, among other things, “information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to mecoprop-p, compared to the general population.”

- **EPA, Revisions to Definition of Cogeneration Unit in Clean Air Interstate Rule (“CAIR”), CAIR Federal Implementation Plan, Clean Air Mercury Rule (“CAMR”), and CAMR Proposed Federal Plan; Revision to National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters; and Technical Corrections to CAIR and Acid Rain Program Rules, 72 Fed. Reg. 20,465 (Apr. 25, 2007).** EPA proposed certain revisions to the Clean Air Interstate Rule (“CAIR”) and the Clean Air Mercury Rule (“CAMR”). Specifically, EPA proposed to “revise the efficiency standard in the cogeneration unit definition so that the standard would apply, with regard to certain units, only to the fossil fuel portion of a unit’s energy input. This change to the

CAIR model cap-and-trade rules, CAIR [Federal Implementation Plan], CAMR, and proposed CAMR Federal Plan would likely make it possible for some additional units to qualify for the cogeneration unit exemption in these rules. Because it would only affect a small number of relatively low emitting units, this would have little effect on the projected emissions reductions and the environmental benefits of these rules.” Comments on the proposal are due by June 11, 2007. EPA articulated that the proposal had “no disproportionate negative impacts on minority or low income populations because the emissions reduced by CAIR and CAMR remain essentially the same.”

- **DOI, Upper Rio Grande Basin Water Operations Review, 72 Fed. Reg. 19,959 (Apr. 20, 2007).** The Bureau of Reclamation of the United States Department of Interior (“DOI”) announced the availability of a Final Environmental Impact Statement (“EIS”) “to assess the consequences of proposed changes to water operations in the Rio Grande basin above Fort Quitman, Texas. The FEIS is programmatic and is not intended to authorize specific projects in the upper Rio Grande system. It is anticipated that a plan for water operations at existing Reclamation and Corps facilities will be developed. The FEIS presents alternatives with respect to water operations and evaluates the potential effects of each alternative on environmental, hydrologic, cultural, and socioeconomic resources, and Indian Trust Assets, including any potential disproportionate effects on minority or low income communities (environmental justice).”

B. State Congressional Bills and Matters.

- **California, Assembly Bill 568, introduced on February 21, 2007 by Assemblywoman Betty Karnette (D-District 54). Status: In Senate. Read First Time. To Senate Committee on Rules for assignment on May 14, 2007.** The Bill seeks to establish a Port Community Advisory Committee to “respond to specified actions and impacts on harbor area communities.” The Bill specifies the committee’s duties and provides for funding. The Bill sets forth that funds may be used to, among other things, hire an environmental justice program coordinator.
- **California, Assembly Bill 909, introduced on February 22, 2007 by Assemblywoman Lois Wolk (D-District 8). Status: Rereferred to Assembly Committee on Appropriations on April 30, 2007 .** The Bill would “establish the Mercury Monitoring and Remediation Fund in the State Treasury to be administered by the state board.” Mercury bioaccumulation in fish represents a serious public health threat for people who eat significant quantities of fish. In administering the grants, the state

board shall convene an advisory group. One of the members shall represent the environmental justice community.

- **California, Assembly Bill 1358, introduced on February 23, 2007 by Congressman Mark Leno (D-District 13). Status: Rereferred to Assembly Committee Appropriations on April 24, 2007.** The Bill amends Sections 65050.2 and 65302 of the Government Code, relating to planning. Specifically, the Bill establishes in the Office of the Governor the Office of Planning and Research “with duties that include developing and adopting guidelines for the preparation of and content of mandatory elements required in city and county general plans.” Among other things, the guidelines shall address environmental justice matters.
- **California, Senate Bill 210, introduced on February 8, 2007 by Senator Christine Kehoe (D-District 39). Status: Set for Hearing on May 14, 2007.** The Bill requires the California Air Resources Board (“CARB”) to develop, implement, and enforce a low-carbon fuel standard to reduce the carbon content of transportation fuels in California. In addition, the Bill specifies that the “adoption, implementation, and enforcement of the low-carbon fuel standard is consistent with environmental justice.”
- **California, Senate Bill 240, introduced on February 14, 2007 by Senator Dean Florez (D-District 16). Status: Set for Hearing on May 21, 2007.** The Bill seeks to address the finding that residents of the San Joaquin Valley “suffer some of the worst air quality in the world[, which] poses a significant threat to public health, the environment, and the economy of the valley.” Of particular note is the fact that the Bill provides at least \$10 million to “mitigate the impacts of air pollution on public health and the environment in disproportionately impacted environmental justice communities in the San Joaquin Valley. The district board shall convene an environmental justice advisory committee, selected from a list given to the board by environmental justice groups from the San Joaquin Valley, to recommend the neighborhoods in the district that constitute environmental justice communities, and how to expend funds within these communities.”
- **Colorado, Senate Bill 242, introduced on March 26, 2007 by Senator Peter C. Groff (D-District 33). Status: Signed by Governor on May 15, 2007.** The Bill concerns the statutory creation of the existing Office of Health Disparities in the Department of Public Health and Environment. It specifies the duties and powers of the office and notes that the office “shall be dedicated to eliminating racial, ethnic, and rural health disparities in Colorado by fostering systems change and capacity-building through collaboration with multiple sectors impacting minority health and with input from a variety of multicultural professionals.” One of the office’s

duties will be to administer and coordinate a newly created health disparities grant program, which will “provide financial support for statewide initiatives that address prevention, early detection, and treatment of cancer and cardiovascular and pulmonary diseases in underrepresented populations.”

- **Connecticut, Senate Bill 1330, introduced on February 22, 2007 by Energy and Technology Committee. Status: Referred to Committee on Transportation on May 2, 2007.** The Bill, which concerns environmental justice, requires the adoption of regulations that consider environmental and health effects of decision-making processes “for construction or expansion of certain facilities located in areas with concentrated poverty or that already have several of these facilities.” The Bill defines “environmental justice” as “the equal protection and meaningful involvement of all people, regardless of race, ethnicity, or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies” and calls on the Department of Environmental Protection, among others, to adopt regulations that describe its procedures for considering environmental justice in granting licenses, permits, or authorizations.
- **Minnesota, Senate Bill, introduced on by Senator Berglin. Status: Amended on April 20, 2007.** The Bill makes numerous changes to, among other things, the State’s health and human services programs. Included among the changes is the establishment of funding for environmental justice mapping. Specifically, the Bill sets forth that Commissioner of Health and the Commissioner of the Pollution Control Agency shall establish an environmental justice mapping program to expand the State’s environmental justice mapping capacity. Accordingly, the Bill seeks to promote public health tracking.
- **New York, Assembly Bill 8229, introduced on May 9, 2007 by Congresswoman Crystal D. Peoples (D-District 141). Status: Referred to Assembly Committee on Environmental Conservation on May 9, 2007.** The Bill establishes the New York State Environmental Justice Act. Among other things, the Bill notes the State’s commitment to “ensuring that communities are afforded fair treatment and meaningful involvement in decision-making regardless of race, color, ethnicity, religion, income, or education level. The purpose of this law is to establish governmental procedures . . . to safeguard residents’ health and welfare, and achieve environmental justice.” The Bill creates an environmental justice taskforce and implements environmental justice policies. The Bill shall take effect on July 1, 2008.
- **New York Senate Bill 4529, introduced on April 18, 2007 by Senator Kevin S. Parker (D-District 21). Status: Referred to Senate Committee**

on Energy and Telecommunications on April 18, 2007. The Bill amends, among other things, the environmental conservation law. Specifically, the Bill has provisions regarding the siting of electric generating facilities. Among other things, the Bill specifies that a preliminary scoping assessment of the proposed site include “a determination of whether the proposed facility is to be located in a potential environmental justice area.” The Bill further articulates that when a facility will be located in a potential environmental justice area, “an environmental justice specialist shall be designated by the Department of Environmental Conservation prior to the date set for commencement of the public hearing. The environmental justice specialist shall attend all hearings as scheduled by the presiding and associate examiners and shall assist the presiding and associate examiners in inquiring into and calling for testimony concerning relevant and material matters.”

- **New York Senate Bill 5182, introduced on April 25, 2007 by Senator Thomas P. Morahan (R-District 38). *Status: Referred to Senate Committee on Environmental Conservation on April 25, 2007.*** The Bill enacts the environmental access to justice act. The Bill, which takes effect immediately, specifies that a person “shall not be denied standing solely on the grounds that the injury alleged by such person does not differ in kind or degree from the injury that would be suffered by the public at large.”
- **North Carolina, House Bill 1849, introduced on April 18, 2007 by Congressman Garland E. Pierce (D-District 48). *Status: Referred to House Committee on Appropriations on April 23, 2007.*** The Bill would establish the Office of Environmental Justice within the Department of Administration. The Office would be managed by a Director that the Governor appoints. The Office of Environmental Justice would work with all state agencies and ensure that “governmental actions substantially affecting human health or the environment operate without discrimination,” provide information for meaningful participation in the regulatory process, respond to allegations of environmental injustice meaningfully, provide a link to enhance communication and information between the community, government, and industries, and increase awareness within minority and low-income communities. The Office of Environmental Justice was funded at \$250,000 for Fiscal Year 2007-2008.
- **Texas, House Resolution 1954, introduced on May 8, 2007 by Congresswoman Yvonne Davis (D-District 111). *Status: Referred to House Committee on Rules and Resolutions on May 10, 2007.*** The Resolution expressed support for a bill of rights for the poor based on ten principles. Included among these principles was that the “poor must be protected from environmental racism that disproportionately targets impoverished communities with toxic waste sites and other elements that

adversely affect the atmosphere and health of persons in those communities.”

- **State Regulatory Alerts.**

- **New York, 2007-15 N.Y. St. Reg. 70 (Apr. 11, 2007).** New York’s Department of Environmental Conservation (“DEC”) announced the availability of 2007 State assistance funding under the Environmental Justice Community Impact Research Grant Program. The environmental justice grants will be available to “local groups that address environmental and/or related public health problems in their communities. . . . Eligible grant projects must address the exposure of communities to multiple environmental harms and risks and include research and education components. Grants will range from the minimum amount of \$2,500 to the maximum amount of \$25,000.”